

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 96-3846

Larry A. Eaton,

Appellant,

v.

Lynne Delano, formerly the Secretary
of Corrections, State of South Dakota;
Joseph Class, as the Warden of South
Appeal from the United States
Dakota State Penitentiary, Sioux Falls;
District Court for the
Jim Smith, formerly the Warden of
District of South Dakota.
South Dakota State Correctional
Facility, Springfield; Daryl Slykhuis,
[UNPUBLISHED]
as the Deputy Superintendent of
Programs; Patty Veatch, employee of
South Dakota State Penitentiary; Doug
Wynia, employee of Springfield
Correctional Facility,

Appellees.

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Submitted: February 13,

1998

Filed: March 27,

1998

Before BOWMAN, WOLLMAN, and MORRIS SHEPPARD ARNOLD,
Circuit Judges.

PER CURIAM.

Larry A. Eaton appeals from the district court's¹ adverse grant of summary judgment in his 42 U.S.C. § 1983 action against five South Dakota Department of Corrections employees and a mental health therapist working at the Department of Corrections. Eaton alleged defendants violated his Eighth Amendment and due process rights. Upon review of parties' submissions and briefs, we conclude the allegations in Eaton's complaint are insufficient to state a claim for relief. See Handeen v. LeMaire, 112 F.3d 1339, 1346-47 (8th Cir. 1997) (holding that summary judgment may be affirmed where plaintiff's factual allegations, though unchallenged, fail to state claim for relief). Accordingly we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

¹The Honorable John B. Jones, United States District Judge for the District of South Dakota.